

ORIGINAL

Decision No. 34264

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the joint Application )  
of PACIFIC GREYHOUND LINES, a corpora- )  
tion, to sell, and CHARLES M. SNODE, dba )  
SAN RAMON VALLEY BUS LINE, to purchase, )  
certain passenger stage operative rights )  
for the transportation of passengers, ) Application No. 24173  
baggage and express between Walnut Creek )  
and Diablo via Danville, and application )  
of Charles M. Snode for a certificate of )  
public convenience and necessity between )  
Diablo and Mt. Diablo Summit, California.)

BY THE COMMISSION:

O P I N I O N

By this joint application of Pacific Greyhound Lines, a corporation, and Charles M. Snode, an individual doing business as San Ramon Valley Stage Line, as amended, authority is sought for

1. The transfer from the former to the latter of a common carrier operative right for the transportation of passengers, baggage and express between Walnut Creek and Diablo via Danville.
2. A certificate of public convenience and necessity to transport passengers and baggage between Walnut Creek and Diablo via North Gate and Mt. Diablo Summit as an extension and enlargement of the operative right between Walnut Creek and Diablo via Danville and consolidated therewith.

The operative right here proposed to be transferred was acquired from Sacramento Northern Railway by Pacific Greyhound Lines under authority of Decision No. 34014, dated March 18, 1941 on Application No. 23930.

has agreed to enter into joint rates with Pacific Greyhound Lines.

It appears that the local operation involved herein between Walnut Creek and Diablo via Danville is one that lends itself to the plan proposed. It further appears that the proposed extension of service to Mt. Diablo Summit is also justified. Being in the public interest, therefore, and a public hearing not being indicated as necessary in the premises, the application will be granted ex parte.

O R D E R

It having been found as a fact that public convenience and necessity so require,

IT IS ORDERED that Pacific Greyhound Lines is hereby authorized to transfer to Charles M. Snode the passenger stage corporation operative right referred to in the foregoing opinion and Charles M. Snode is hereby authorized to acquire said operative right and to hereafter operate thereunder subject to the following conditions:

1. Applicant Pacific Greyhound Lines shall within thirty (30) days after the effective date of the order herein, and upon not less than five (5) days' notice to the Commission and the public, unite with applicant Charles M. Snode in common supplement to the tariffs on file with the Commission covering the service given under the operative rights herein authorized to be transferred, applicant Pacific Greyhound Lines withdrawing, and applicant Charles M. Snode accepting and establishing such tariffs and all effective supplements thereto.

The consideration to be paid is given as the sum of one dollar (\$1.00) and the sale and transfer is to be made in accordance with an agreement marked Exhibit "A" attached to and made a part of the application.

Allegedly, the operative right between Walnut Creek and Diablo via Danville is primarily a local operation maintained principally for the purpose of affording mainline connections at Walnut Creek. The traffic is light, amounting to approximately four passengers per schedule operated, and this service allegedly, therefore, can best be conducted by a local operator in the field.

The Mt. Diablo Summit extension is being sought for the purpose of establishing a common carrier service, now lacking, to Mt. Diablo State Park where, in conjunction with the University of California, the State Park Commission is now constructing, among other improvements, a large museum which is expected to be a point of interest for and an attraction to tourist travel with consequent demand for transportation service. On-call service only is proposed to the summit and will also be available to other points<sup>(1)</sup> involved in addition to a regularly scheduled basic service in conjunction with Pacific Greyhound Lines' main line operations.

Applicant Snode now operates a large service station in Walnut Creek where he has been successfully engaged in business for many years. He is financially ready, willing and able to perform the service herein sought. He proposes operating principally to and from the Pacific Greyhound company's depot at Walnut Creek although certain schedules will be operated to the Sacramento Northern Railway depot also. Furthermore, applicant Snode

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(1) Rule 13(a) and (b), page 4 of tariff exhibit.

2. Applicant Pacific Greyhound Lines shall within thirty (30) days after the effective date of the order herein, and upon not less than five (5) days' notice to the Commission and the public, withdraw all time schedules filed in its name with the Railroad Commission and applicant Charles M. Snode shall within thirty (30) days after the effective date of the order herein, and upon not less than five (5) days' notice to the Commission and the public, file in triplicate in his own name time schedules covering service heretofore given by applicant Pacific Greyhound Lines which time schedules shall be satisfactory to the Railroad Commission.
3. The rights and privileges herein authorized may not be sold, leased, transferred, nor assigned, nor service thereunder discontinued, unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance has first been obtained.
4. No vehicle may be operated by applicant Charles M. Snode unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

IT IS FURTHER ORDERED that a certificate of public convenience and necessity be and it is hereby granted to Charles M. Snode for the establishment and operation of an automotive service as a passenger stage corporation, as that term is defined in section 2 $\frac{1}{2}$  of the Public Utilities Act, for the transportation of passengers and their baggage between Walnut Creek and Diablo via North Gate and Mt. Diablo Summit, as an extension and enlargement of the operative rights hereinabove authorized to be acquired by him and consolidated therewith.

IT IS FURTHER ORDERED that in the operation of said passenger stage service, Charles M. Snode shall comply with and observe the following service regulations:

1. File a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days from the date hereof.

2. Subject to the authority of this Commission to change or modify such at any time by further order, conduct said passenger stage operation over and along the following route:

Via County Road between termini.

3. File in triplicate and concurrently make effective within a period of not to exceed sixty (60) days from the effective date of this order, on not less than five (5) days' notice to the Commission and the public, a tariff or tariffs constructed in accordance with the requirements of the Commission's General Orders and containing rat-s, rules and regulations which in volume and effect shall be identical with the proposed rates, rules and regulations shown in the exhibits attached to the application herein, in so far as they conform to the certificate herein granted, or rates, rules and regulations satisfactory to the Railroad Commission.
4. File in triplicate and make effective within a period of not to exceed sixty (60) days from the effective date of this order on not less than five (5) days' notice to the Commission and the public, time schedules covering the service herein authorized in a form satisfactory to this Commission.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 27<sup>th</sup> day  
of May, 1941.

[Signature]  
[Signature]  
Justus P. Casper  
Francis R. Havens  
[Signature]  
COMMISSIONERS